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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,019	09/11/2002	Roger Jette	761-17CON	7554

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,019

Applicant(s)

JETTE, ROGER

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/18/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: antecedent basis must be given for stringer element, transverse support sections, riser portion, transverse portion, and longitudinal section.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 10, 21, 27, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, 10, the raised floor is not positively claimed, so the cable support basket's relationship to the raised floor is indefinite.

Regarding claim 21, the support pedestal is not positively claimed, so the location of the support member with respect to the support pedestal is indefinite.

Regarding claim 27, the support pedestal is not positively claimed, so the location of the pedestal adapter with respect to the support pedestal is indefinite.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3635

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Simon.

Regarding claim 1, 6, 11, Simon shows a plurality of support members (3) and a plurality of cable support baskets (1, 2) (Fig. 1).

Regarding claims 2, 7, Simon shows the cable support basket includes a plurality of intersecting elements (10, 11) secured together in a substantially planar arrangement (Fig. 1).

Regarding claims 3, 8, Simon shows the cable support basket further includes vertical element portions (12, 12a) formed along at least one side (Fig. 1).

Regarding claims 4, 9, 19, 20, Simon shows wire stock (Fig. 1).

Regarding claims 5, 10, Simon shows a cable support basket configured and dimensioned such that upon installation in conjunction with the raised floor system, the cable support basket is disposed vertically beneath a corresponding floor panel of the raised floor system.

Regarding claims 12, 13, Simon shows a pair of parallel spaced apart stringer elements (14, 14a) (Fig. 1).

Regarding claim 14, Simon shows a plurality of transverse support sections (10, 12, 12a) extending between the pair of stringer elements (14, 14a) (Fig. 1).

Regarding claim 15, 25, Simon shows open architecture (Fig. 1).

Regarding claim 16, Simon shows the plurality of cable support baskets support articles on a plane below the pair of stringer elements (Fig. 1).

Art Unit: 3635

Regarding claim 17, 23, Simon shows each transverse support section (10, 12, 12a) of each of the plurality of cable support baskets includes a riser (12, 12a) portion depending from each of the pair of stringer elements (14, 14a) and a transverse portion (10) extending between the distal ends of the pair of riser portions (Fig. 1).

Regarding claim 18, 24, Simon shows a plurality of cable support baskets including a longitudinal section (11) extending across the transverse portions (10) of the transverse support sections (12, 10, 12a) (Fig. 1).

Regarding claim 21, Simon shows the support member ³⁶(3) is spaced a distance from the uppermost surface of the respective support pedestal ³(36) (Fig. 3).

Regarding claim 22, Simon shows one cable support basket including a pair of stringer elements (14, 14a) and a plurality of transverse support members (10, 12, 12a) extending between the pair of stringer elements (14, 14a) and a plurality of pedestal adapters (3) (Fig. 1).

Regarding claim 26, Simon shows each pedestal adapter (3) supports at least an end of two adjacent stringers (14, 24) of two adjacent cable support baskets.

Regarding claim 27, Simon shows the pedestal adapter (3) spaced a distance beneath an uppermost surface of the respective support pedestal (3) (Fig. 1).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jette '704 shows a cable support apparatus for a raised floor system. Greenblatt shows a cable support apparatus. Joo shows a tennis ball container. Jette '912 shows a cable support apparatus. Jette '323 shows a flexible

Art Unit: 3635

cable management system. Jette '870 shows a raised floor system and cable support apparatus. Jette '493 shows a raised floor system and support apparatus. Zweig reveals a wire cable tray. Ohms et al. shows an interlocking cable support tray system. Durin et al. '434 shows a connecting splice for cable through sections and resulting cable through sections. Durin et al. '418 shows a coupling for assembling cable tray unit sections and cable tray unit sections obtained. Durin shows supporting member for lattice structures.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.



SV
October 1, 2003

BRIAN E. GLESSNER
PATENT EXAMINER